



Atty. Docket: 001254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:

Emeric THIBIERGE et al.

Serial Number: 09/647,360

Group Art Unit: 1771

Filed: September 29, 2000

Examiner: CHANG, VICTOR S.

For: TRANSPARENT OR TRANSLUCENT PAPER ENVELOPE

RESPONSE TO RESTRICTION REQUIREMENT

DATED June 10, 2002

Commissioner for Patents
Washington, D.C. 20231

September 9, 2002

Sir:

This paper is submitted in response to the Official Action dated June 10, 2002.

In the Action, restriction is required between Group (I), claims 14-33, drawn to a transparent envelope; and Group (II), claims 34-39, drawn to a process of making a transparent envelope.

Applicants hereby elect **Group (I), claims 14-33**, for prosecution in this application.

This election is made with traverse. It is submitted that this application is a national stage of an international application, so that the rule regarding "unity of invention" must be applied. Accordingly, there is unity of invention if there is, between the inventions recited in the claims, a technical relationship involving a common "special technical feature," i.e., a technical feature that defines a contribution over the prior art. See 37 C.F.R. 1.475 (reproduced at MPEP 1875.01). It does not matter for the unity of invention analysis whether some claims contain other special technical features that are not included in the other claims. See MPEP 1850.

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Here, a common special technical feature in claims 14-33 and 34-39 is a deposit of adhesive on a transparent or translucent face, as recited in claims 14 and 33. Therefore, contrary to the interpretation set forth in the Office Action, it is irrelevant that claim 33 also recites the use of a roller whereas this feature is not recited in claim 14. Since claims 14-33 and 34-39 involve a common special technical feature, they should be considered together and no restriction should be required.

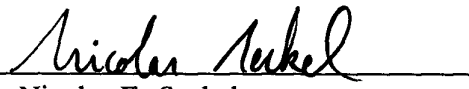
In view of the above, it is submitted that the restriction requirement should be withdrawn.

Further, it is understood that the applicants' rights to the filing of divisional application(s) directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340. In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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